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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/651,424	08/30/2000	Mariusz H. Jakubowski	MSI-528US	2561

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EXAMINER

TRAN, TONGOC

ART UNIT PAPER NUMBER

2134

DATE MAILED: 08/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/651,424

Applicant(s)

JAKUBOWSKI ET AL.

Examiner

Tongoc Tran

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 May 2006.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9, 11-16, 25-31 and 33-36 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-9, 11-16, 25-31, 33-36 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This Office Action is in response to Applicant's amendment filed on 5/5/2006. Claims 17-24 and 32 have been amended. Claims 1-9, 11-16, 25-31 and 33-36 are pending.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-9, 11-16, 25-31 and 33-36 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9, 11-16, 25-31 and 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alrabady et al. (U.S. Patent No. 6,829,357) in view of Graunke (U.S. Patent No. 6,804,355).

In respect to claims 1, 8, 16 and 33, Alrabady discloses a method and one or more computer readable media having stored thereon a plurality of instructions that, when executed by one or more processors, causes the one or more processors to perform acts including:

selecting a portion of a digital good; selecting another portion of the digital good, wherein the other portion is to be encrypted; and using the portion as a key when encrypting the other portion (see col. 1, line 65-col. 2, line 5 and col. 3, line 60-col. 4, line 15). Alrabady does not specifically disclose but Graunke discloses using a key as a substitution box in encryption and decryption (S-box) (see col. 2, lines 53-56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement a key as S-box taught by Graunke with using one portion of message as a key to encrypt and decrypt another portion of message taught by Alrabady for the advantage of the resistance to differential and linear cryptanalysis that S-boxes brings.

In respect to claims 2 and 9, Alrabady and Graunke further disclose wherein the entire digital good is to be encrypted (see Alrabady, col. 4, lines 16-46).

In respect to claims 3 and 11, Alrabady and Graunke further disclose wherein the using comprises determining, for each group of bits of the other portion, a new group of bits based on the portion (see Alrabady, col. 4, lines 16-46).

In respect to claims 4, 12 and 35, Alrabady and Graunke further disclose wherein the using comprises using bits of the portion to determine a substitution sub-portion for each sub-portion in the other portion (see Graunke, col. 5, lines 25-49).

In respect to claim 5, Alrabady and Graunke further disclose wherein the sub-portion comprises a byte (see Graunke, col. 5, lines 25-49).

In respect to claims 6- 7, 13-14 and 36, Alrabady and Graunke further disclose wherein the digital good comprises a software program and video content (see Alrabady, col. 4, lines 1-2).

In respect to claims 15 and 34, Alrabady and Graunke further disclose wherein the encryption process uses a Data Encryption Standard (DES) cipher (see Graunke, col. 1, lines 18-20).

In respect to claims 25-29 and 31, the claimed limitations are system claims that are substantially similar to method claims 1-4 and 6. Therefore, claims 25-29 and 31 are rejected based on the similar rationale.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tongoc Tran whose telephone number is (571) 272-3843. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis-Jacques can be reached on (571) 272-3962. The fax phone

Art Unit: 2134

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2134

TT

August 25, 2006

*Jacques Louie Jacques*  
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